

PATENT
App. Ser. No.: 10/670,715
Atty. Dkt. No. ROC920030293US1
PS Ref. No.: IBMK30293

REMARKS

This is intended as a full and complete response to the Final Office Action dated December 20, 2006, having a shortened statutory period for response set to expire on March 20, 2006. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-42 are pending in the application. Claims 1-42 remain pending following entry of this response.

Interview Summary

On February 2, 2007, a telephonic interview was held between the Examiner and Applicant's representative, Randol W. Read. The parties discussed *Dean et al.* (U.S. Pat. No. 6,604,174, hereinafter, "Dean") and the independent claims. In particular, Applicant's representative explained that *Dean* does not teach allocating cache lines of multiple private caches to a single processor, as claimed.

The Examiner agreed that *Dean* teaches only a single cache and does not teach allocating cache lines of multiple private caches to a single processor but indicated further searching may be required.

Claim Rejections - 35 U.S.C. § 102

Claims 1-42 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Dean*. Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9

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USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Dean* does not disclose “each and every element as set forth in the claim.” For example, *Dean* does not disclose the monitoring of the cache miss rates of more than one processors in order to allocate cache lines of multiple private caches to a single processor, as claimed in claims 1, 5, 13, 18, 28, 33, and 36. Rather, *Dean* is directed to the use of a single cache. For example, *Dean* discloses a “performance based system and method for dynamic allocation of a unified multiport cache.” *Dean*, Col. 1, lines 8-9.

Applicant's presented this argument in response to the previous office action (dated July 5, 2006). In response (page 2 of the Final Office Action), the Examiner asserts that *Dean* discloses the recited element, stating:

Consequently, the system of *Dean* does teach more than one private cache, one for each processor, where each private cache is represented in the form of a group of cache ways (abstract).

Applicant respectfully submits, however, that a “group of cache ways” of a single cache is certainly not the same as multiple private caches. As discussed above, the Examiner agreed that *Dean* teaches only a single cache and, therefore, fails to teach allocating cache lines from multiple private caches to a single processor, as claimed.

For the above reasons, Applicant respectfully submits that independent claims 1, 5, 13, 18, 28, 33, and 36, as well as their dependents, are allowable. Accordingly, Applicant respectfully requests the withdrawal of this rejection.

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Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Randal W. Read, attorney, at (713) 623-4844, to discuss strategies for moving prosecution forward toward allowance. Otherwise an appeal may be imminent.

Respectfully submitted,

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